

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ZOSTAVAX (ZOSTER VACCINE	:	MDL NO. 2848
LIVE) PRODUCTS LIABILITY	:	
LITIGATION	:	
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THIS DOCUMENT RELATES TO:	:	
	:	
EMILY SANSONE	:	
	:	CIVIL ACTION NO. 18-20114
v.	:	
	:	
MERCK & CO., INC., et al.	:	
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PRETRIAL ORDER NO. 367

AND NOW, this 27th day of July, 2021, for the reasons set forth in the foregoing Memorandum, it is hereby ORDERED that:

(1) the motion of Merck & Co., Inc. and Merck Sharp & Dohme Corp. (together, "Merck") for summary judgment on statute of limitations grounds on plaintiff's claims for product liability defective design, product liability failure to warn, negligence, and negligent misrepresentation (MDL Doc. # 741) is DENIED; and

(2) the motion of Merck for summary judgment on plaintiff's claims for breach of implied warranty and for breach of express warranty (MDL Doc. # 739) is GRANTED.

BY THE COURT:

/s/ Harvey Bartle III

J.